

	INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL	
	Chapter 2: Administration of Child Welfare	Effective Date: October 15, 2006
	Section 2: Requests for Administrative Review	Version: 1

POLICY [NEW]	OLD POLICY: N/A
---------------------	------------------------

- The Indiana Department of Child Services (DCS) recognize the right of an alleged perpetrator to request an administrative review of the related child abuse or neglect (CA/N) substantiation. The processed outlined herein will apply to all substantiated CA/N determinations made on or after October 15, 2006.
- DCS will require that the request be made in writing using the [Request for an Administrative Review](#).
- DCS will require that the request for Administrative Review is **received** by the DCS within **thirty (30) calendar days** of the date of the [Notice of Investigation Decision](#).
- DCS **will not conduct** an administrative review **if a CHINS petition has been filed** based on the substantiated determination, until the court has ruled on the petition. In the event the CHINS petition results in adjudication of child abuse or neglect by the person who requested the review, the request for administrative review will be dismissed. If the CHINS case is dismissed or closed without adjudication, or the adjudication does not include a finding concerning the person who requested the review, the administrative review will then proceed in accordance with this policy.
- DCS **will not conduct** an administrative review **if criminal charges have been filed** until the court has ruled on the charges. In the event that the perpetrator is convicted of any charges based on the substantiated CA/N, the administrative review will be dismissed. If the criminal case is dismissed, or otherwise concluded without a conviction, the administrative review will then proceed in accordance with this policy.
- This policy does not apply to either of the following situations:
 - a. Administrative appeals of license denials or revocations that are currently heard and decided by the FSSA Office of Hearings and Appeals.
 - b. Appeals of reports entered into the child abuse registry that are controlled by the procedures specified in the law, IC 31-33-17-8 and IC 31-33-19.

Exception: If a timely request for appeal is filed under IC 31-33-17-8, and the report is expunged from the registry for a reason other than a decision by a court or administrative law judge that the abuse or neglect determination was improperly substantiated, and the report is not also expunged from the CCI, the appeals will then proceed under the applicable provisions of this policy.

- If the substantiated case is against a minor, the request for an administrative review must be made by the child's parent, guardian, custodian, attorney or Guardian ad Litem.

This policy does not apply to CA/N substantiated cases involving child care workers. See separate policy, [2.X Child Care Worker Investigation Review Process](#).

This policy does not apply to CA/N substantiated cases involving DCS employees. See separate policy, [2.X Investigation and Review of DCS Staff Alleged Perpetrator](#).

Code References

- [42 USC 5106a \(b\) \(2\) \(A\) \(XV\) \(II\): Grants to States for child abuse and neglect prevention and treatment programs](#)

PROCEDURE

The FCM responsible for completing the investigation will

- Send notice of the substantiation decision, including a copy of the completed Form 311, to each person identified as a perpetrator of substantiated abuse or neglect within ten (10) calendar days of the substantiated finding.
- Include information concerning the right to have an administrative review of the decision and a copy of the [Request for Administrative Review](#).

The Perpetrator will:

- Request an Administrative Review using [Request for Administrative Review](#).

If request is not received in a timely manner, the local DCS office Director will:

- Notify the perpetrator in writing that the request has been denied because it was not received before the stated deadline.

If a timely request is received, proceed to next steps in the review process: [Administrative Review Process](#).

PRACTICE GUIDANCE

- N/A

FORMS AND TOOLS

- [Request for Administrative Review](#)
- [Notice of Investigation Decision](#)

RELATED INFORMATION

- N/A